

ORDINANCE NO. 9203

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING EXISTING CHAPTER IX, ARTICLE 6 OF THE CODE OF THE CITY OF LAWRENCE, 2015 EDITION, AND AMENDMENTS THERETO, AND ENACTING IN ITS PLACE CHAPTER IX, ARTICLE 6 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2015 EDITION, AND AMENDMENTS THERETO, WHICH ADOPTS AND INCORPORATES INTO THE CITY CODE BY REFERENCE THE *2015 INTERNATIONAL PROPERTY MAINTENANCE CODE*, REGULATING PROPERTY MAINTENANCE WITHIN THE CITY OF LAWRENCE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. Existing Chapter IX, Article 6, of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that Section 2 of this Ordinance supersede it.

SECTION 2. The Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended by enacting Chapter IX, Article 6, which reads as follows:

ARTICLE 6. PROPERTY MAINTENANCE CODE

- 9-601 **PROPERTY MAINTENANCE CODE ADOPTED AND INCORPORATED.**
The *2015 International Property Maintenance Code*, published by the International Code Council, Inc., other than those portions hereinafter specifically deleted, modified, or amended, is hereby adopted as the Property Maintenance Code of the City of Lawrence, Kansas, and is incorporated herein by reference as if set forth in full.

- 9-602 **OFFICIAL COPY.**
Not less than one (1) copy of the *2015 International Property Maintenance Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9203," with all sections or portions deleted, modified, or amended clearly marked as such, and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies charged with enforcement of the City's Property Maintenance Code.

- 9-603 **AMENDMENTS TO THE *2015 INTERNATIONAL PROPERTY MAINTENANCE CODE*.**
The *2015 International Property Maintenance Code* is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the *2015 International Property Maintenance Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

- 9-604 **Section [A] 101.1 of the *2015 International Property Maintenance Code* is hereby deleted. In its place, the Governing Body enacts the following:**

[A] 101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Lawrence, Kansas.

9-605 **Section [A] 102.3 of the 2015 International Property Maintenance Code** are hereby amended to read as follows:

[A] 102.3 Application of other codes. Repairs, additions, or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and NFPA 70, all as adopted by the City.* ~~Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.~~

9-606 **Sections [A] 103.1, [A] 103.2, [A] 103.3, [A] 103.4, and [A] 103.5 of the 2015 International Property Maintenance Code** are hereby deleted. In their place, the Governing Body enacts the following:

[A] 103.1 General. The Director of Planning and Development Services, herein and in the 2015 International Property Maintenance Code referred to as the "code official," or his or her designee, shall be charged with enforcement of the Property Maintenance Code of the City of Lawrence, Kansas.

9-607 **Sections [A] 106.4 and [A] 106.5 of the 2015 International Property Maintenance Code** are hereby deleted. In their place, the Governing Body enacts the following:

[A] 106.4 Violation Penalties. Any person, who shall violate a provision of the Property Maintenance Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local law. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Any person convicted of a violation of any provision of this Article shall be punished by a fine in an amount not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), by a jail term of not less than five (5) days, nor more than three (3) months, or both by such fine and jail term.

[A] 106.5 Abatement of Violation. In addition to -- or as an alternative to -- prosecution under Section 106.4, the *code official* may seek abatement of a violation of the code. If a person to whom notice of violation has been sent has neither remediated the conditions causing the alleged violation nor requested a hearing before the Building Code Board of Appeals within the time specified, the *code official* may present a resolution to the Governing Body for adoption authorizing the *code official* to abate the conditions causing the alleged violation at the end of twenty (20) days after adoption of the resolution. The resolution shall provide that any costs of abatement incurred by the City shall be charged against the person in violation of the Code. A copy of the resolution shall be served on the person in violation in one of the following ways:

- (a) by personal service upon the person in violation;
- (b) by certified mail, postage prepaid; or
- (c) in the event that the person in violation cannot be located, despite the exercise of reasonable diligence and after an affidavit to that effect has been filed with the City Clerk, by publishing the resolution once each week for two consecutive weeks in the official City newspaper and by posting a copy of the resolution on the property in violation.

9-608 **Section 109.3 of the 2015 International Property Maintenance Code** is hereby amended to read as follows:

[A] 109.3 Closing Streets. When necessary for public safety, the *code official* shall temporarily close structures and close or order the authority having jurisdiction shall work with the Department of Public Works to close sidewalks, streets, alleys, or other public ways and places adjacent to unsafe structures, and prohibit the same from being utilized until the unsafe situation has been made safe.

9-609 **Section 110 of the 2015 International Property Maintenance Code**, in its entirety, is hereby deleted. In its place, the Governing Body enacts the following:

[A] 110.1 General. The *code official* shall have the authority, in accordance with K.S.A. 17-4759, as amended, to order the owner of any premises upon which is located any structure, which in the *code official's* judgment, after review, is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary, or otherwise unfit for human habitation or occupancy, and that it is unreasonable to repair the structure, to demolish and remove such structure; or, if such structure is capable of being made safe by repairs, to repair and to make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than one year, the *code official* shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one hundred eighty (180) days, unless approved by the building official.

[A] 110.1.1 Boarding Standards. All windows and doors boarded under this Article shall be boarded in such a manner as to prevent entry by unauthorized persons and, when such boarding exceeds one-hundred-eighty (180) days, shall be painted to correspond to the color of the existing structure. Boarded windows and doors may remain unpainted beyond one-hundred-eighty (180) days, if approved in writing by the *code official* for good cause shown.

[A] 110.2 Notices and Orders. All notices and orders related to the demolition of property shall be served in accordance with K.S.A. 17-4759, as amended.

[A] 110.3 Failure to Comply. If the owner fails to comply with the notice and order of demolition, then the City shall follow the procedures set forth at K.S.A. 17-4759 as amended, to enforce its notice and order.

Section 111 of the 2015 International Property Maintenance Code, in its entirety, is hereby deleted. In its place, the Governing Body enacts the following:

[A] 111.1 Notice of appeal. Any person aggrieved by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the Building Code Board of Appeals, provided that a written notice of appeal is served on the *code official* within twenty-one (21) days after the day the decision, notice, or order was personally served or placed in the mail. A notice of appeal shall be based on a claim that the true intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are satisfied by other means.

[A] 111.2 Stays of enforcement. Appeal of a notice and order (other than an *Imminent Danger* notice and order) shall stay the enforcement of the notice and order until the appeal is heard and decided by the Building Code Board of Appeals.

[A] 11.3 Notice of hearing. After a Notice of Appeal has been served on the *code official*, the appeal shall be scheduled for a public hearing before the Building Code Board of Appeals as soon as practicable. Notice of the date, time, and place of the hearing shall be served on the appellant.

[A] 11.4 Open public hearing. All hearings before the Building Code Board of Appeals shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

[A] 111.5 Quorum. The Building Code Board of Appeals can take no official action unless a quorum is present. For the purposes of this Article, a quorum shall consist of not less than a majority of the then-current membership of the Building Code Board of Appeals.

[A] 111.6 Board Decision. The Building Code Board of Appeals shall affirm, modify, or reverse the decision of the *code official* only by a concurring vote of a majority of the members voting on the issue.

[A] 116.1 Enforcement. After any notice or order of the of the *code official* or the Building Code Board of Appeals made pursuant to this Code becomes final, no person to whom any such order is directed shall fail, neglect, or refuse to obey any such notice of order. It shall be an unlawful act for any such person to fail to comply with such notice or order. Each day of non-compliance shall constitute a separate offense.

[A] 111.7 Court Review. Any party aggrieved by a decision of the Building Code Board of Appeals shall have the right, under Kansas law, to bring an appeal in district court in accordance with K.S.A. 60-2101(d). Appeal to the district court shall not operate as an automatic stay of the enforcement of any notice and order.

Section 202 of the 2015 International Property Maintenance Code is hereby amended to read as follows:

ACCESSORY STRUCTURE. A secondary structure detached from the principal structure, but on the same *premises*, including but not limited to garages, sheds, barns, or outbuildings.

ANCHORED. Secured in a manner that provides positive connection.

[A] APPROVED. Acceptable to the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

BULKY WASTE. Items of solid waste that are too large or too heavy to be placed in a City issued Roll-out Cart, in a trash dumpster, or in any other type of container meeting criteria established by the Director of Public Works, which include boxes, household appliances, furniture, mattresses, plumbing fixtures, playground equipment, yard appliances and equipment, buckets and similar materials, but does not include vehicle major component parts, hazardous waste, demolition and construction waste, or *Tree Waste*.

[A] CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[BG] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERIOR STRUCTURE. The exterior of any structure that is exposed to the weather or subject to and in contact with the elements, including, but not limited to sidings, facings, veneers, masonry, roofs, foundations, porches, decks, balconies, screens, shutters, windows, doors, or signs.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GOVERNING BODY. The City Commission of the City of Lawrence, Kansas.

[BE] GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

[BG] HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC BUILDING. Any building or structure that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, bed bugs, rats, vermin or other pests.

~~**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.~~

[A] LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or structure.

[A] OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OUTDOOR FURNITURE. Weather-resistant furniture designed and manufactured for outdoor use.

[A] OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

PORCH (ENCLOSED). A structure adjoining an entrance to a building that is fully enclosed by permanent walls, windows, screens, or other similar material, and that cannot be accessed from the outside except through a door that is capable of being locked.

PORCH (UNENCLOSED). A structure adjoining an entrance to a building that is not fully enclosed by permanent walls, windows, screens, or other similar material.

[A] PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

[A] PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SALVAGE MATERIALS. Materials or parts of some value that are obtained from the disassembly of motor vehicles, vehicles, various kinds of machinery, mechanical appliances or equipment, and/or the demolition of buildings or structures.

[BG] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

[A] STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

TRAILER. A vehicle without motorized or self-propelled power designed to be drawn by another vehicle.

TRASH RECEPTACLE. A City issued Roll-out Cart or other trash receptacle, whether used to hold garbage, rubbish, yard waste, or recyclable materials, but excluding paper bags, shopping bags, cardboard boxes, paper boxes, pasteboard boxes, fiberboard boxes, plastic containers, barrels, wicker baskets or the like.

TREE WASTE. All tree or shrub waste including tree stumps removed from the ground, but not including the following: leaves; tree trimmings or branches tied in bundles not more than eighteen (18) inches in diameter and not more than five (5) feet long placed beside a *Trash Receptacle(s)* for collection in accordance with City Code Chapter 9, Article 4, or Section 308.4 of this Code; vegetation pruning or wood chips placed in a *Trash Receptacle*; or firewood stacked in accordance with Section 302.10, Exception 1, of this Code.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

UPHOLSTERED FURNITURE. Furniture that is designed only for indoor use and is manufactured with fabric coverings, cushioning, stuffing, springs or similar like materials.

VEHICLE. Means a conveyance used for transporting passengers or things by land, water or air, including motor vehicles, trailers, tractors, boats and any vehicle drawn, propelled or driven by any kind of power, excluding muscular power.

VEHICLE, INOPERABLE. A condition of a vehicle being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purposes for which it was originally constructed, or

1. The absence of a current valid registration plate upon a motor vehicle permitting that motor vehicle to be operated on the public streets and highways of the State of Kansas, unless the vehicle was manufactured or modified solely for non-highway use and a non-highway vehicle title has been issued solely because the vehicle was not manufactured for street use;
2. The absence of one or more of the parts of a motor vehicle necessary for the lawful operation of the motor vehicle on the public streets and highways, unless the motor vehicle has a non-highway title issued solely because the vehicle was not manufactured for street use, or

3. The placement of a vehicle or parts thereof upon jacks, blocks, chains or other supports, or on the Exterior Property or a Porch, Unenclosed.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

[Z] YARD. An open space on the same lot with a structure.

- 9-612 **Sections 302.2 and 302.3 of the 2015 International Property Maintenance Code** are hereby amended to read as follows:

302.2 Grading and drainage. All Ppremises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Water from intermittent sources, such as discharges from sump pumps, foundation drains, or the like, shall not be discharged onto any public sidewalk or at a point closer than five feet to any adjoining property line.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All Ssidewalks, walkways, stairs, driveways, parking spaces and similar areas, including those that are located in public rights of way, shall be kept in a proper state of repair, and maintained free from hazardous conditions.

- 9-613 **Section 302.4 of the 2015 International Property Maintenance Code** is hereby deleted.

- 9-614 **The 2015 International Property Maintenance Code is hereby amended by adding Section 302.7.1**, which reads as follows:

302.7.1 Fences. All fences shall comply with the City's Fence Ordinance, Chapter VI, Article 16 of the City Code, and amendments thereto. All fences shall be maintained in a plumb manner and in sound condition, free of damage, breaks, or missing structural members. Areas that are leaning, buckling, sagging, or deteriorating shall be repaired or replaced with a material compatible with the undamaged portions of the fence. Where fencing has been previously painted and there are areas of chipping, peeling, scaling or missing paint equal to or greater than twenty (20) percent of the fence surface, then such surface shall be repainted, or stripped of all paint.

- 9-615 **Section 302.8 of the 2015 International Property Maintenance Code** is hereby deleted. In its place, the Governing Body enacts the following:

302.8 Vehicles. Except as provided for in other regulations, no inoperative vehicle, inoperable, or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. All motor vehicles must be parked on a legal driveway constructed with materials pursuant to Article 9 of the City's Land Development Code.

Exception: A vehicle of any type is permitted to undergo major overhaul, including engine work, body work or painting, provided that such work is performed inside a structure or similarly enclosed area designed for such purposes or as otherwise permitted by the City's Land Development Code.

9-616 **Section 302.9 of the 2015 International Property Maintenance Code** is hereby deleted.

9-617 **The 2015 International Property Maintenance Code is hereby amended by adding Sections 302.10, 302.11, 302.12, 302.13, and 302.14,** which read as follows:

302.10 Exterior Property storage. No person shall allow on any yard, any porch (unenclosed), deck or balcony, or any other exterior property area of a premises, any of the following items, or an accumulation thereof: garbage, rubbish, bulky waste, salvage materials, tree waste, household appliances, vehicle parts, plumbing fixtures or similar items that are not manufactured and intended for storage within a yard, porch (unenclosed), deck or balcony, unless otherwise allowed by the City's Land Development Code.

Exceptions:

1. Firewood that is neatly stacked, provided that such storage shall not be located within the front yard as defined by the City's Land Development Code.
2. Lumber or construction materials that are neatly stacked and are actively being used to improve the property on which they are located.
3. Landscape materials such as edging stones, patio pavers, bricks, mounded or bagged soil, mulch, gravel or similar garden bed materials that are neatly stacked and are actively being used to improve the property on which they are located.
4. Exterior storage areas that are permitted as an accessory use to a principal use in certain nonresidential zoning districts and that have an approved site plan for such use as provided by the City's Land Development Code.

302.12 Furniture. It shall be unlawful for any person to allow on any yard, porch (unenclosed), deck, balcony or other exterior property area of any premises, furniture, other than outdoor furniture, as that term is defined in this Chapter.

302.13 Upholstered furniture. It shall be unlawful for any person to allow on any porch (unenclosed), deck, balcony, or other exterior property area of any premises, upholstered furniture, including but not limited to upholstered chairs, upholstered couches, mattresses, or similar items. This section does not apply to outdoor furniture or to a porch (enclosed) as those terms are defined in this Chapter.

302.14 Trees, tree limbs and tree waste. No person shall allow in their yard any tree waste, or any dead or substantially dead tree (or dead or damaged tree limbs) that create a hazardous or unsafe condition.

9-618

Sections 304.7, 304.13.2, and 304.14 of the 2015 International Property Maintenance Code are hereby amended to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. ~~Roof water shall not be discharged in a manner that creates a public nuisance.~~

Exception: This section shall not apply to lawn sprinklers.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable ~~and capable of being held in position by window hardware.~~

304.14 Insect screens. ~~During the period from (DATE) to (DATE), every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25mm), and~~ Every screen door used for insect control shall have a self-closing device in good working order. A minimum of one window of every habitable space shall be supplied with an approved tightly fitting screen that effectively provides insect control.

~~Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.~~

9-619

Section 307 of the 2015 International Property Maintenance Code, in its entirety, is hereby deleted. In its place, the Governing Body enacts the following:

307.1 Handrails. All buildings and structures shall provide handrails in accordance with the building code under which they were constructed. For buildings and structures constructed during a time when no building code provisions relating to handrails were in effect, the following provision shall apply:

307.1.1 Handrails required. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stairs. Handrails shall not be less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

307.2 Guardrails. All buildings and structures shall provide guardrails in accordance with the building code under which they were constructed. For buildings constructed during a time when no building code provision relating to guardrails were in effect, the following provision shall apply:

307.2.1 Guardrails required. Every open portion of a landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above floor or grade below shall have guardrails. Guardrails shall not be less than 30 inches (762 mm) in height above the floor of a landing, balcony, porch, deck, ramp or other walking surface.

307.2.2 Guardrail spacing. Every open portion of a landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) inches above the floor or grade below shall have guardrails that contain intermediate rails, balusters or other construction methods that are judged to be safe by the *Code Official*. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is greater than 42 inches (1067 mm) above floor or grade below shall have guardrails that contain intermediate rails, balusters or other construction methods that do not allow for the passage of a sphere 6 inches (153 mm) in diameter.

Exceptions:

1. Guardrails shall not be required where exempted by the adopted building code.
2. Where required guardrails, intermediate rails, balusters or other constructions methods are missing in their entirety for a portion of a stair, landing, balcony, porch, deck, ramp or other walking surface, the building components shall be installed in accordance with the adopted building code.
3. Guardrails, intermediate rails, balusters and other construction methods located on an open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface less than 42 inches (1067 mm) above floor or grade below may be repaired to original condition if judged to be safe by the *Code Official*.

9-621 **Sections 308.2 and 308.3 of the 2015 International Property Maintenance Code** are hereby amended to read as follows:

308.2 Disposal of rubbish and bulky waste. Every occupant of a structure shall dispose of all *rubbish and bulky waste* in a clean and sanitary manner ~~by placing such rubbish in approved containers.~~

308.3 Disposal of garbage. Every occupant of a structure shall dispose of *garbage* in a clean and sanitary manner ~~by placing such garbage in an approved garbage disposal facility or approved garbage containers.~~

9-622 **The 2015 International Property Maintenance Code is hereby amended by adding Section 308.4,** which reads as follows:

308.4 Disposal of garbage, rubbish, and trash. It shall be unlawful for any person to:

- (a)** Fail to use the City Roll-out Trash Cart, as required by Section 9-403 of the City Code, and amendments thereto, for the containment of garbage, refuse, or trash.
- (b)** Fail to clean-up or remove garbage, refuse, or trash scattered or spilled, whether caused by the condition of the City Roll-out Trash Cart or other trash receptacle, animals, wind, or any other cause, before the arrival of the City's collection staff.
- (c)** Place the City Roll-out Trash Cart or any other trash receptacle in the right of way or at the designated point of collection earlier than 7:00 a.m. on the day immediately preceding the scheduled day of collection.
- (d)** Fail to remove, within 24 hours after the City collection staff has left, the City Roll-out Trash Cart or other trash receptacle, containing garbage, refuse, or trash, that was not collected because such packaging was not in compliance with Section 9-404 of the City Code, as amended.
- (e)** Store any City Roll-out Trash Cart or other trash receptacle, except when lawfully placed for collection, in an exterior location that is more than three feet from the exterior wall of the principal building or accessory structure.
- (f)** Fail to store or secure, in locations where trash collection occurs in an alley, the City Roll-out Trash Cart or other trash receptacle in a manner that reasonably prevents the scattering of the City Roll-out Trash Cart or other trash receptacle and any garbage, refuse, or trash contained therein.

9-623 **Sections 309.3 and 309.4 of the 2015 International Property Maintenance Code** are hereby amended to read as follows:

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises after thirty (30) days of occupancy.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a *multiple occupancy*, a *rooming house*, or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and ~~exterior property~~ all exterior areas of the premises. ~~If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.~~ The owner of such structure shall be responsible for pest elimination in the interior of any dwelling unit where infestation is discovered within the first 30 days of a new tenancy.

9-624 **The 2015 International Property Maintenance Code is hereby amended by adding Section 309.6, which reads as follows:**

309.6 Bed bug infestation. The code official is hereby authorized to promulgate regulations governing the procedure for the extermination of bed bugs in the event of a bed bug infestation. Those regulations shall be posted on the City's website and shall otherwise be made available to all landlords within the City.

9-625 **Section 404.7 of the 2015 International Property Maintenance Code is hereby deleted. In its place, the Governing Body enacts the following:**

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. Any kitchen stove or refrigerator supplied by the property owner shall be maintained in a safe working condition.

9-626 **Sections 602.2, 602.3, and 602.4 of the 2015 International Property Maintenance Code are hereby amended to read as follows:**

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms*, and *toilet rooms*. ~~based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code.~~ Cooking appliances shall not be used, nor shall portable electric or unvented fuel-burning space heaters be used, as a means to provide required heating.

Exception: ~~In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat ~~during the period from (DATE TO (DATE))~~ to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms*, and *toilet rooms*.

Exceptions:

1. ~~When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.~~
2. ~~In areas where the average monthly temperature is above 30°F (1°C), a minimum temperature of 65°F (18°C) shall be maintained.~~

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from (DATE) TO (DATE) to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

9-627

Section 605.2 of the 2015 International Property Maintenance Code is hereby amended to read as follows:

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. All receptacle outlets shall have the appropriate faceplate cover for the location. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground-fault circuit-interrupter. Every bathroom shall contain not less than one receptacle, and all bathroom receptacles shall be ground-fault circuit-interrupter protected. All receptacles located within 6 feet (1829 mm) of a water source shall be ground-fault circuit-interrupter protected.

Exceptions:

1. A single receptacle outlet serving power to a refrigerator that is located within 6 feet (1829 mm) of a water source shall not be required to be ground-fault circuit-interrupter protected.
2. A duplex receptacle outlet serving power to a refrigerator that is located within 6 feet (1829 mm) of a water source but is not readily accessible for other appliance use shall not be required to be ground-fault circuit-interrupter protected.

9-628

The 2015 International Property Maintenance Code is hereby amended by adding Sections [F] 702.4.1 and [F] 702.4.2, which read as follows:

[F] 702.4.1 Sleeping Rooms. Every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements or attic areas contain one or more sleeping rooms, the minimum clear opening height and width of any emergency escape and rescue opening shall be a minimum of 22 inches in either dimension, with a total minimum net clear opening area of 5.0 square feet. Emergency escape and rescue openings shall have a sill height of not more than 48 inches, measured from the finished floor to the bottom of the clear opening, or to the highest tread of not more than two permanently installed steps where the rise of each step does not exceed 8 inches and each step tread has a minimum depth of 11 inches from the interior edge of the step or platform to the wall surface under the emergency escape and rescue opening, with a minimum step width of 24 inches.

[F] 702.4.2 Emergency egress for sleeping rooms more than two stories above grade. Buildings and structures are required to meet the code standards for emergency egress in place at the time of construction. For those existing structures that contain sleeping rooms more than two stories above grade, for which no building permit exists, or for which no building permit can be found, the following conditions shall be met:

- (a)** A safe, continuous, and unobstructed interior path of travel shall be provided from any point in the building or structure to the public way. Means of egress shall comply with the International Fire Code, as adopted by the City.
- (b)** Either provide a sprinkler system with a dedicated alarm system or provide egress to the ground level from each sleeping room or sleeping areas located above the second floor (ladder or stairs) through a properly sized window as identified in subsection 3, *infra*.
- (c)** All sleeping rooms shall have at least one window with a minimum area of 5.0 square feet of net clear opening with a minimum clear opening height and width of 22 inches and a maximum finished sill height of 48 inches above the floor.
- (d)** Each dwelling unit within the structure shall be equipped with the number of smoke alarms as required in Section 704.2.1.2. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

9-629

Section [F] 704.2.1 of the 2015 International Property Maintenance Code is hereby amended to read as follows:

[F] 704.2.1 Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.2.1.1 through 704.2.1.4. Interconnection and power sources shall be in accordance with Sections 704.2.2 and 704.2.3.

Exceptions:

1. ~~Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.~~
2. ~~Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.~~
3. ~~Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.~~

Exception: Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

9-630

Section [F] 704.2.1.3 of the 2015 International Property Maintenance Code is hereby amended to read as follows:

[F] 704.2.1.3 Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.2.1.1 or 704.2.1.2.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

Exception: Where smoke alarms have been installed and maintained at the locations required by Section 704.2.1.2, existing smoke alarms shall not be required to be relocated to comply with the horizontal distance separation requirements of this Section.

9-631

Section [F] 704.2.1.4 of the 2015 International Property Maintenance Code is hereby amended to read as follows:

[F] 704.2.1.4 Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

Exception: Where smoke alarms have been installed and maintained at the locations required by Section 704.2.1.2, existing smoke alarms shall not be required to be relocated to comply with the horizontal distance separation requirements of this Section.

9-632

Section [F] 704.2.2 of the 2015 International Property Maintenance Code is hereby amended to read as follows:

[F] 704.2.2 Interconnection. ~~Where more than one~~ there are no smoke alarms ~~is required to be installed~~ or operational within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Physical ~~interconnection~~ is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be physically interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

SECTION 3. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. After passage and publication as provided by law, this ordinance shall be in full force and effect commencing July 1, 2016.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of February, 2016.

APPROVED:

Mike Amyx
Mayor

ATTEST:

Brandon McGuire
Acting City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

Publish once and return one Proof of Publication to the City Clerk and one to the City Attorney.